



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUN 13 2014

OFFICE OF WATER

Ms. Alexandra Dapolito Dunn
Executive Director
The Environmental Council of the States
50 F Street NW Suite 350
Washington, DC 20001

Dear Ms. Dunn:

Alex,

Thank you for your letter sent by e-mail on April 30, 2014, concerning assumable waters under Clean Water Act Section 404(g). Your letter states that one of the challenges states and tribes encounter when pursuing assumption of the CWA's dredge and fill permit program is identifying the waters of the United States over which the state or tribe would administer the Section 404 program. You also request that the Environmental Protection Agency provide clarity on the waters for which a state or tribe may assume CWA Section 404 permitting responsibility and the waters for which the US Army Corps of Engineers retains permitting responsibility. Additionally, you request the EPA actively engage your organizations in discussions to clarify this issue.

The EPA fully supports states and tribes that want to manage and regulate aquatic resources under their jurisdiction, such as assuming primary responsibility for issuing dredge and fill permits under section 404 of the CWA. Managing aquatic resources is a partnership between the EPA and the states and the tribes, and CWA Section 404(g) is just one of the CWA's partnership opportunities. I have asked my staff to identify a path forward that enables us to engage your organizations, as well as other appropriate state, federal and tribal partners and technical experts in a process that seeks to provide clarity on assumable waters under CWA Section 404(g).

The EPA is committed to providing clarity and removing state and tribal identified barriers to assumption wherever possible. We look forward to discussing this issue with you and your members.

Please feel free to contact me if you have any questions on this important issue, or your staff may contact Mr. John Goodin, Acting Director of the EPA's Wetlands Division at Goodin.John@epa.gov or (202) 566-1373.

Sincerely,

A handwritten signature in black ink, appearing to read 'Nancy K. Stoner', with a stylized, looping flourish at the end.

Nancy K. Stoner
Acting Assistant Administrator

cc: Ms. Jeanne Christie
Executive Director
Association of State Wetlands Managers

Ms. Julia Anastasio
Executive Director and General Counsel
Association of Clean Water Administrators

Mr. Sean Rolland
Deputy Director
Association of Clean Water Administrator